


Claim 11 is amended as indicated in Appendix C.

Claims 11, as amended, is provided in unmarked form in Appendix D.

Response

Objections to the Specification

 The specification is objected to for informalities. The informalities are corrected by amendment. No new matter is entered as a result of the amendments.

The objections to the specification are overcome by the amendment.

Objections to the Oath/Declaration

The Oath/Declaration is objected to for failing to identify the city and either state or foreign country of residence of each inventor.

In a Combined Declaration and Power of Attorney For Patent Application filed with the application the address of the Inventor was listed as 440 East Park Drive, Spartanburg, SC 29302 and the citizenship was listed as USA. The requirements for identifying the city and state are met. A copy of the original filed document is included herewith as Appendix E.

Drawings Objections

The drawings are objected to because there are elements shown in the drawing that are not described in the specification.

The unassigned element connecting the second axle (26) to the bracket (27) has been numbered. It is apparent that the bracket (27) was intended to refer to the entirety of element

(27) not just the flange section of the bracket. No new matter is added as a result of this amendment.

The rotational arrow about the central axis of bracket (27) has been deleted.

The objections to the drawings have been overcome by the submission of new formal drawings are submitted herewith.

Claim Rejections 35 USC §112, second paragraph

Claim 11 is rejected for improper antecedent support. This is corrected by amendment of claim 11.

Claim Rejections 35 USC §103

Claims 1, 2, 4-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Kalmar.

Smith is cited as disclosing some of the elements of the claimed invention. Smith lacks teachings to the handle being attached by a universal joint. Kalmar is cited as teaching a universal joint. The Office contends that this combination renders the claims obvious. Applicants respectfully disagree for the reasons set forth herein.

Smith is specific to a platform attachable to a line trimmer. For a line trimmer to be operative the handle must be suitable for controlling the orientation of the rotating line relative to the ground. If a universal joint were used to attach the handle to the operative end of the line trimmer the device would be rendered inoperative. One would not be expected to create an inoperative device for use with the platform of Smith. The purpose of the platform of Smith is to insure that the rotating line remains parallel to the surface.

Kalmar teaches a device with two handles. One handle is attached in a manner commonly employed with line trimmers. An auxiliary handle is attached, with a universal joint, to allow the user to rotate the trimmer such that the rotating line is not parallel with the ground.

As stated in Col. 4, lines 40-46:

“a twisting force is applied to the bifurcated handle 44 and this twisting force is transmitted via the universal joint 43 to the drill 7. Accordingly, the angle of the grass cutting attachment relative to the grass is changed thereby causing the filament 24 to bear more heavily against some selected portion of grass”.

Smith teaches a device to maintain the line in a parallel position relative to the grass and Kalmar teaches a device requiring two handles to rotate the device at an angle relative to the grass. A combination, as set forth by the Office, would comprise a platform specifically designed to maintain the rotating line in a parallel orientation with a universal handle, possibly auxiliary universal handle, to easily rotate the plane of the rotating line. This combination would be contrary to both teachings since the advantages offered by Smith would be eliminated by the universal joint and the advantages offered by Kalmar would be eliminated by the platform. At the very least the platform of Smith would be expected to render the universal joint inoperative.

One of ordinary skill in the art would consider such a device, at least partly, inoperative and contrary to the combined teachings of the references. Therefore, one of ordinary skill in the art would not be expected to make such a combination. Only in hindsight, based on the advantages provided by the present invention, would the teachings of Smith and Kalmar be considered. Even in hindsight, the combined teachings of Smith and Kalmar must be ignored to arrive at the present invention.

Smith and Kalmar teach away from the combination of a platform and a universal joint in the same device. For at least these reasons, independent Claims 1 and 6 are patentable over Smith in view of Kalmar.

Claims 2, 4 and 5 ultimately depend from claim 1 and are patentable for the same reasons as claim 1.

Claim 10 depends from claim 6 and is patentable for the same reasons as claim 6.

Claims 1, 2, 4-6 and 10 are patentable over Smith in view of Kalmar for, at least, the reasons set forth herein. Removal of the rejection of Claims 1, 2, 4-6 and 10 as being unpatentable under 35 U.S.C. 103(a) over Smith in view of Kalmar is proper and respectfully requested.

Claim 3 is rejected under 35 U.S. C. 103(a) as being unpatentable over Smith in view of Kalmar as applied to claim 1, further in view of Wolfe.

Smith and Kalmar teach away from the invention as set forth previously. Wolfe does describe a lower grip. Wolfe does not mitigate the deficiencies of the primary reference. Wolfe does not provide any teaching which would lead one skilled in the art to combine certain features of Smith and Kalmar while ignoring, and eliminating, the advantages offered by those features.

Claim 3 is patentable for the same reasons as claim 1 from which it depends. Removal of the rejection of claim 3 is proper and respectfully requested.

Claims 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Kalmar as applied to claim 6 and further in view of Esken.

Smith and Kalmar fail to disclose the device as set forth previously. One skilled in the art would find no reason to combine the teachings of Esken with Smith and Kalmar. Even if one were to make this combination, Esken does not provide any guidance whereby one would ignore the contrary teachings of Smith and Kalmar to combine these teachings. Especially, one would not receive any guidance from Esken whereby a device would be created which eliminates the function of the very feature appropriated from each reference.

Smith and Kalmar, further in view of Esken, does not obviate the present invention and, if taken together, would not lead one of ordinary skill in the art to the present invention. Claims 7-9 are patentable for, at least, the same reasons as claim 6 from which they ultimately depend.

Claims 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmar in view of Esken.

Klamar is directed to a string trimmer.

Esken is directed to a baler. The baler has a handlebar lever selectively engaged with different retaining steps in a shift-gate. This mechanism allows crop bails of different densities to be produced.

There is no suggestion of a motivation leading one of ordinary skill in the art to consider taking one portion of a rotating shift gate mechanism and applying it to the handle of a string trimmer. This combination can only be made in hindsight based on the teachings of the present invention.

Applicants respectfully submit that the combination of art is made in hindsight only after being presented with the present invention. The only motivation for combining such art is provided by the present invention.

Applicants respectfully request that the rejection of claims 11 and 14-17 be withdrawn based on the fact that there is no teaching, or motivation, for combining the art.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmar and Esken as applied to claim 11 and further in view of Smith.

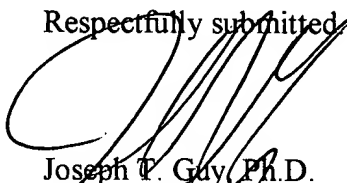
The rejection of claim 11 as being unpatentable over Kalmar and Esken is refuted above and the arguments apply to this rejection as well. Smith does not provide any teachings, or motivation, which would lead one of ordinary skill in the art to combine the teachings of a line trimmer with minor components of a discretely positionable handheld lever.

Applicants respectfully submit that the rejection of claims 12 and 13 is improper due to its reliance on combinations of art made only in hindsight based on the teachings of the present invention. Removal of the rejection of claims 12 and 13 is respectfully requested.

Conclusion

Claims 1-17 are pending in the present application. Claim 11 has been amended. All claims have been placed in condition for allowance by amendment and arguments. A notice of allowance for all claims is respectfully requested.

Respectfully submitted



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